

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claim 8 is cancelled. Claims 1, 13, 16 and 19-21 are amended. Claims 1-7 and 10-24 are pending.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Objection to the Specification

In the Office Action, at page 2, the text of replacement paragraphs 28 and the paragraph inserted after paragraph 56 were objected to. Replacement paragraphs 28 and the paragraph following paragraph 56 were amended in light of the Examiner's comments, and accordingly, withdrawal of the objection to the specification is respectfully requested.

II. Rejection under 35 U.S.C. § 112

In the Office Action, at page 3, claim 13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 was amended in light of the Examiner's comments, and accordingly, withdrawal of the § 112, second paragraph, rejection is respectfully requested.

III. Rejection under 35 U.S.C. § 102

In the Office Action, at page 5, claims 1, 5, 7, 10, 11, 15-20 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,309,758 to Halsall et al. This rejection is respectfully traversed.

Dependent claim 8, objected to by the Examiner as being dependent on a rejected base claim, but indicated to be allowable if rewritten in independent form, was incorporated into independent claims 1, 16 and 19. Halsall does not discuss or suggest that "the rotation driving part outputs information on a phase shift of the transmitting part relative to a reference direction of the rotation driving part of the beacon in accordance with the rotation of the rotation driving part, and wherein the location determiner determines the location of the mobile robot based on a displacement of the mobile robot, and the phase information received by the receiving part," as recited in amended independent claim 1, and similarly in amended independent claims 16 and 19. Therefore, amended independent claims 1, 16 and 19 patentably distinguish over the references relied upon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Claims 5, 7, 10, 11, 15, 17, 18, 20 and 23 depend either directly or indirectly from independent claims 1, 16 and 19 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 7 recites that, "the beacon has inherent beacon information, and the encoder adds the beacon information and the phase information to the light." Therefore, claims 7, 10, 11, 15, 17, 18, 20 and 23 patentably distinguish over the reference for at least the reasons noted above. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

IV. Rejections under 35 U.S.C. § 103

In the Office Action, at page 9, claims 6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Halsall in view of U.S. Patent No. 5,974,348 to Rocks. This rejection is respectfully traversed.

As discussed above, Halsall does not discuss or suggest all the features of amended independent claim 1. Rocks fails to make up for the deficiencies in Halsall. Therefore, claim 1 patentably distinguishes over the references relied upon. Claims 6 and 14 depend either directly or indirectly from independent claim 1 and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 6 recites that, "the receiving part further comprising: a conical mirror to reflect light from various directions towards one direction; and a receiver to receive the light reflected from the conical

mirror.” Therefore, claims 6 and 14 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at page 10, claims 3, 12, 21 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Halsall in view of U.S. Patent No. 3,687,556 to Price et al. This rejection is respectfully traversed.

As discussed above, Halsall does not discuss or suggest all the features of amended independent claims 1 and 19. Price fails to make up for the deficiencies in Halsall. Therefore, claims 1 and 19 patentably distinguish over the references relied upon. Claims 3, 12, 21 and 24 depend either directly or indirectly from independent claims 1 and 19 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 12 recites “the beacon further comprising: at least one mirror to reflect an incident light from the transmitting part at a predetermined angle.” Therefore, claims 3, 12, 21 and 24 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

V. Allowable Subject Matter

Applicants are appreciative of the indication that claim 2 has been allowed.

Applicants are further appreciative of the indication that claims 4, 8 and 22, which are objected to as being dependent upon rejected base claims, would be allowable if rewritten in independent form. Claim 8 has been incorporated into independent claims 1, 16 and 19. Claims 4 and 22 have therefore not been rewritten in independent form.

Applicants are further appreciative of the indication that claim 13 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph.

Conclusion

In accordance with the foregoing, claim 8 has been cancelled. Claims 1, 13, 16 and 19-21 have been amended. Claims 1-7 and 10-24 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 3/25/08

By: 
Kari P. Footland
Registration No. 55,187

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501